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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

PIPER ZIV,)	Case No.: 2:15-cv-8487
)	
)	COMPLAINT
Plaintiff,)	
)	(Unlawful Debt Collection Practices)
v.)	
)	
MEDICREDIT, INC.,)	
)	
Defendant.)	

PIPER ZIV (Plaintiff), by her attorneys, WESTGATE LAW, alleges the following
against MEDICREDIT, INC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 *et seq.* (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state law claims contained herein.

1 4. Defendant conducts business in the state of California; therefore, personal jurisdiction is
2 established.

3 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

4 **PARTIES**

5 6. Plaintiff is a natural person residing in Oxnard, Ventura County, California.

6 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
7 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5)
8 and Cal. Civ. Code § 1788.2(h).

9 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.
10 Code §1788.2(c), and sought to collect a consumer debt from Plaintiff.

11 9. Defendant is a national company with offices in St Louis, Missouri.

12 **FACTUAL ALLEGATIONS**

13 10. Defendant constantly and continuously places collection calls seeking and demanding
14 payment for an alleged debt owed to Cedars-Sinai Medical Center.

15 11. On October 13, 2015, Defendant placed a collection call to Plaintiff's mother at (805) 985-
16 52XX and left a voicemail message.

17 12. In the voicemail message, Defendant identified the name of the company placing the call,
18 stated that the call was being placed on behalf of Cedars-Sinai medical center, and directed
19 the recipient to return the call to 866-938-1379, which is a number that belongs to
20 Defendant. *See* Transcribed Voicemail Message attached hereto as Exhibit "A."

21 13. In the voicemail message, Defendant did not state that the call was being placed to acquire
22 location information regarding Plaintiff. *See* Exhibit "A."

23 14. Defendant continued to constantly and continuously place collection calls to Plaintiff's
24 mother in an attempt to collect the alleged debt from Plaintiff.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

a. Defendant violated §1692b(1) of the FDCPA by disclosing in its voicemail with Plaintiff's mother that the call was being placed by Medicredit without an express request for such information;

b. Defendant violated §1692c(b) of the FDCPA by placing a voicemail communication with Plaintiff's mother;

WHEREFORE, Plaintiff, PIPER ZIV, respectfully requests judgment be entered against Defendant, MEDICREDIT, INC., for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

18. Any other relief that this Honorable Court deems appropriate.

COUNT II

DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

19. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

20. Defendant violated the RFDCPA based on the following:

a. Defendant violated §1788.12(b) of the RFDCPA by communicating information regarding a consumer debt to Plaintiff's mother prior to obtaining a judgment against the Plaintiff;

b. Defendant violated §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692.

1 WHEREFORE, Plaintiff, PIPER ZIV, respectfully requests judgment be entered against
2 Defendant, MEDICREDIT, INC., for the following:

- 3 21. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices
4 Act, Cal. Civ. Code §1788.30(b),
5 22. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
6 Practices Act, Cal. Civ Code § 1788.30(c), and
7 23. Any other relief that this Honorable Court deems appropriate.

8 RESPECTFULLY SUBMITTED,

9 DATED: October 29, 2015

WESTGATE LAW

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11 By: /s/ Matthew A. Rosenthal

12 Matthew A. Rosenthal
13 Attorney for Plaintiff
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